

PUBLIC ACTS, 1999

CHAPTER NO. 520

HOUSE BILL NO. 1875

By Representatives Kisber, McDaniel, McAfee, Caldwell, Kent, Ralph Cole, Whitson, Maddox, Walker and Mr. Speaker Naifeh

Substituted for: Senate Bill No. 1796

By Senators Cooper, Atchley, McNally, Clabough

AN ACT relative to the creation of a coordinated, collaborative, integrated and responsible workforce development system within State government which is composed of or otherwise impacts all employment activities and employment related training activities in the State and facilitates the implementation of the Federal "Workforce Investment Act of 1998" and where necessary to amend Tennessee Code Annotated, Title 4, Title 8, Title 12, Title 13, Title 29, Title 36, Title 37, Title 38, Title 41, Title 49, Title 50, Title 56, Title 59, Title 62, Title 67, Title 68, Title 71.

WHEREAS, the State of Tennessee recognizes its responsibility to implement the Federal "Workforce Investment Act of 1998"; and

WHEREAS, there is a need in the State of Tennessee for an integrated, coordinated, collaborative and focused workforce development system that utilizes federal, state and local resources and incorporates the State's economic objectives to generate opportunities and promote Tennessee as a place where people choose to live, work and do business; and

WHEREAS, the State of Tennessee is committed to building a workforce development system that is responsible, accountable, private sector driven and customer focused; and

WHEREAS, the State of Tennessee recognizes that economic vitality and effective global competitiveness are dependent on a highly skilled workforce; and

WHEREAS, the State of Tennessee recognizes the importance of maintaining the integrity of a fair, equitable and fully funded unemployment insurance system; and

WHEREAS, the State of Tennessee recognizes the continual need to have a competitive, responsible workers compensation system; and

WHEREAS, employers in this State deserve our maximum efforts to foster the development of a highly skilled, competitive and productive workforce; and

WHEREAS, employees in this State deserve a safe, healthy workplace and our maximum efforts to provide for enhanced employment opportunities by providing skills training, adult education and labor market information; and

WHEREAS, economically disadvantaged individuals, dislocated workers, and others with substantial barriers to employment deserve our maximum efforts to provide employment opportunities; and

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WHEREAS, students deserve our maximum efforts to support their transition into a career path of their choice; and

WHEREAS, the State of Tennessee is committed to ensuring a better standard of living and maximum opportunities for Tennesseans leading into the 21st Century; and

WHEREAS, the State of Tennessee recognizes the importance of having services provided through a qualified, well-trained and professional workforce of merit system employees.

WHEREAS, communities of this State deserve assistance fostering economic opportunity; and

WHEREAS, the taxpayers of this State deserve to know the revenues for workforce development are being spent in the most efficient and effective manner; NOW, THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, or other appropriate title and chapter of the Tennessee Code Annotated as determined by the Code Commission, is amended by adding Sections 2 through 13 of this act as a new part.

SECTION 2. Short title.

The title of this act is, and may be cited as, the "Tennessee Workforce Development Act of 1999"

SECTION 3. Purpose and intent.

The purpose of this act is:

(a) To further the implementation of the Federal "Workforce Investment Act of 1998," (29 U.S.C. §2801 et seq.);

(b) To reduce duplicative efforts and fully utilize resources by creating an integrated, coordinated, simplified system of workforce development in the State of Tennessee through the consolidation or collaboration of job training, employment, employment-related educational programs, health and safety and unemployment insurance programs in the State; and

(c) To foster public and private sector partnerships designed to provide employment related services to citizens and employers of the State of Tennessee. It is not the intent of this Act to expand or authorize contracting services beyond that authorized under the laws of the State of Tennessee.

SECTION 4. Creation.

There is hereby created the Department of Labor and Workforce Development.

SECTION 5. Purpose of the department.

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Through the Department of Labor and Workforce Development, Tennessee State Government, in cooperation with business and industry will strive to provide integrated, effective, efficient delivery of employment related services and training, in compliance with the Workforce Investment Act of 1998 (29 U.S.C. §2801 et seq.), so the State of Tennessee can increase the occupational skill attainment of its workforce and, as a result, improve the quality of the workforce, further the reduction of welfare dependency and enhance the State's productivity and competitiveness in the global economy. The Department of Labor and Workforce Development shall strive to meet the needs of business and industry in this State for the development of a highly skilled and productive workforce. The Department of Labor and Workforce Development shall strive to meet the needs of employees, unemployed persons, and persons making the transition into the workplace through education, skills training, labor market information, and an efficient unemployment insurance program to enhance their employability, earnings and standard of living while ensuring that employees have a safe, healthy workplace. These services for employees shall focus, whenever possible, on assisting employees to obtain jobs of their choice which provide health insurance, job security and the opportunity for self-sufficiency. The Department of Labor and Workforce Development shall serve as a model employer relative to safety and working conditions in the workplace and in the training and retraining of employees to meet the changes in the work environment. The Department of Labor and Workforce Development and the Department of Economic and Community Development shall collaborate relative to job creation, attraction and expansion of business and industry. The Department of Labor and Workforce Development shall work to continuously improve the management and coordination of employment related services for the benefit of business and industry and Tennessee's workforce and shall ensure the taxpayers of this State that revenues for workforce development and unemployment insurance programs are spent effectively and efficiently.

SECTION 6. Powers of the department.

(a) The Department of Labor and Workforce Development is designated as the Department of this State for the implementation and administration of the following federal programs relating to workforce development, including, but not limited to:

- (1) The Workforce Investment Act of 1998 (29 U.S.C. §2801 et seq.);
- (2) The Wagner-Peyser Act (29 U.S.C. §46 et seq.); and
- (3) The Job Training Partnership Act (29 U.S.C. §1501 et seq.).

(b) The Department of Labor and Workforce Development shall cooperate with all authorities of the United States having powers or duties under the aforementioned acts of Congress and shall do and perform all things necessary to secure to this State the benefits of such acts.

(c) Except for the supervisory responsibilities of the Department of Commerce and Insurance, the Department of Labor and Workforce Development has full and complete charge of the administration of the State's Workers' Compensation Law, compiled in Title 50, Chapter 6, Employment Security Law and the State Employment Service for this State and shall have the administration of such other functions exercised

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by the Department of Employment Security and/or the Department of Labor prior to the effective date of this act.

(d) The Department of Labor and Workforce Development shall have full and complete charge of the following:

(1) adult basic education authorized by the Tennessee Rules, Regulations and Minimum Standards of the State Board of Education and administered by the Department of Education prior to the effective date of this act; and

(2) employment and employment training programs authorized under 7 U.S.C. §2015 of the Food Stamp Act of 1977

(e) The Department of Labor and Workforce Development shall coordinate the collaborative and cooperative activities and functions of other departments and state agencies and commissions, including, but not limited to, the Department of Education, the Department of Human Services, the Department of Economic and Community Development, and the Tennessee Higher Education System, including Technology Centers and two-year post secondary institutions, to reduce duplication among employment and employment related training activities in the State and to maximize Tennessee's efforts to increase the skills of its workforce, foster economic growth through job placement and training services and provide high quality services to its customers including employees, families, business and industry, and particularly those individuals who are economically disadvantaged, dislocated workers, and others with substantial barriers to employment. The Department of Human Services shall have the responsibility for contracting for the activities required of Families First participants pursuant to Tennessee Code Annotated §71-3-153.

(f) The Department of Labor and Workforce Development may do all acts and functions necessary or proper to carry out the powers expressly granted under this act, including, but not limited to, entering into agreements or contracts with local governmental units or corporations to provide services that assist the department in carrying out the duties imposed by this act or elsewhere in the code. It is not the intent of this Act to create new state authority or to expand any existing authority to contract for services with private entities.

(g) The Department of Labor and Workforce Development shall have authority over such other functions generally, as the Governor may lodge with the department by executive order duly signed and filed with the Secretary of State.

SECTION 7. Commissioner.

The Department of Labor and Workforce Development shall be under the charge and general supervision of the Commissioner of Labor and Workforce Development.

SECTION 8. Powers and duties of commissioner.

The Commissioner of the Department of Labor and Workforce Development, or his or her designee, has the following powers and duties in addition to such other powers and duties

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as may be specifically provided by law in this title, transferred by this act or as otherwise provided by law:

(a) to develop and implement activities and programs which foster the continued enhancement of Tennessee's workforce;

(b) to ensure the maintenance of a fair, equitable and fully funded unemployment insurance program; and

(c) to be responsible for the administration of a workforce development system that protects the life, health and safety of Tennessee's workforce.

SECTION 9. Divisions - Creation

(a) In addition to the creation of the Division of the Tennessee State Employment Service within the Department of Labor and Workforce Development as provided in §50-7-601, there are created within the Department of Labor and Workforce Development the following divisions which shall be under the supervision and charge of the Commissioner of the Department of Labor and Workforce Development and shall be separate administrative entities for programs, personnel and budgets:

(1) The Division of Employment Security;

(2) The Division of Workers' Compensation; and

(3) The Division of Occupational Safety and Health.

(b)(1) The Office of Administrator is hereby created for each division created pursuant to subsection (a) subdivisions (1), (2) and (3), who shall have the general administrative authority of such division.

(A) Except as otherwise provided in this chapter, the Administrator of the Division of Employment Security shall be responsible, to the greatest extent possible, for administering, implementing and enforcing those provisions of law and compiled in Tennessee Code Annotated, Title 50, Chapter 7, and any rules or regulations promulgated in accordance with such chapter which are within the purview of employment security, but not including WOTC alien certification, veterans programs and the Tennessee State Employment Service. The administrator of such division shall have a minimum of five (5) years credible experience in the field of employment security. Such person shall have a comprehensive knowledge of and experience in the operation and programs of such division and be recognized by the representatives of the business and labor communities as a person of good standing and reputation in matters concerning employment security.

(B) The Administrator of the Division of Workers' Compensation shall be responsible for administering, implementing and enforcing all of the provisions enacted into law and compiled in Tennessee Code Annotated, Title 50, Chapter 6, and any rules or regulations promulgated

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in accordance with such chapter. The administrator of such division shall have a minimum of five (5) years credible experience in the field of workers' compensation. Such person shall have a comprehensive knowledge of and experience in the operation and programs of such division and be recognized by the representatives of the business and labor communities as a person of good standing and reputation in matters concerning workers' compensation.

(C) The Administrator of the Division of Occupational Safety and Health shall be responsible for administering, implementing and enforcing all of the provisions enacted into law and compiled in Tennessee Code Annotated, Title 50, Chapter 3, and any rules or regulations promulgated in accordance with such chapter. The administrator of such division shall have a minimum of five (5) years credible experience in the field of occupational safety and health. Such person shall have a comprehensive knowledge of and experience in the operation and programs of such division and be recognized by the representatives of the business and labor communities as a person of good standing and reputation in matters concerning occupational safety and health.

(2) In addition to other duties, each administrator shall be responsible for preparing and submitting to the Commissioner of Labor and Workforce Development an annual budget for the division such administrator heads.

(3) Each administrator shall be appointed by the Commissioner of Labor and Workforce Development for a four (4) year term. The first appointment shall be made July 1, 1999 or as soon as practical thereafter. The first four-year term shall begin on July 1, 1999 and end on June 30, 2003; additional four-year terms shall begin on July 1 and end on June 30 of appropriate years. The Commissioner of Labor and Workforce Development shall have the authority to remove an administrator only for non-performance of duties and responsibilities. If removed, a vacancy shall exist in the office of the administrator so removed. A vacancy in such office shall be filled for the unexpired term with a person meeting the requirements applicable to the original appointee.

(c) The transfer of the functions and activities of the various departments and or programs to the Department of Labor and Workforce Development shall not, because of the transfer, result in any career service state employee suffering loss of employment, compensation, benefits or civil service status. Such rights, benefits and compensation shall continue without any impairment, interruption or diminution; provided, however, the department may engage in disciplinary actions or reductions in force as provided for in law. The Commissioner of Personnel is authorized to enforce this section and shall determine that the rights, benefits and compensation are not impaired, interrupted or diminished. Also, any employee aggrieved by any impairment in violation of this section shall have the right to seek redress through the grievance procedure established in T.C.A. §8-30-328.

SECTION 10. Transfer.

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(a) Any program administered by the Department of Labor and/or the Department of Employment Security prior to the effective date of this act, shall be transferred to, and administered by, the Department of Labor and Workforce Development.

(b) All staff, staff positions, offices, equipment, supplies, property, facilities, funds and other resources of any program under the Department of Labor and/or the Department of Employment Security shall be transferred to the Department of Labor and Workforce Development.

(c)(1) References to the Department of Labor and the Department of Employment Security appearing elsewhere in this code shall be deemed to be references to the Department of Labor and Workforce Development.

(2)(A) The Code Commission is directed to change references to the existing titles of officials, offices, departments, agencies and entities, whenever they appear in this code, to conform to the titles of officials, offices, departments, agencies and entities created by the provisions of this chapter.

(B) The Code Commission is authorized to make grammatical changes in the provisions of this code to effectuate such changes.

(d)(1) All contracts and leases entered into by the Department of Labor and/or the Department of Employment Security with any entity, corporation, agency, enterprise, association or person, prior to the effective date of this act, shall continue in full force and effect as to all provisions in accordance with the terms and conditions of such contracts or leases in existence on the effective date of this act, to the same extent as if such contracts or leases had originally been entered into by and between such entity, corporation, agency, enterprise, association or person and the Department of Labor and Workforce Development, unless and until such contracts or leases expire or are duly amended, modified or terminated by the parties thereto.

(2) The provisions of subsection (d)(1) shall not be implemented in any manner, which violates the prohibition against the impairment of contract obligations as contained in Article I, Section 20, of the Constitution of the State of Tennessee.

(3) All rules, regulations, policies, orders and decisions promulgated or issued by the Department of Labor and/or the Department of Employment Security prior to, and in effect on the effective date of this act, shall remain in force and effect and shall be administered and enforced by the Department of Labor and Workforce Development until duly amended, repealed, expired, modified or superseded.

(4) On the effective date of this act, all references to the Department of Employment Security or the Department of Labor contained in any forms, legal documents, notices and papers of any kind in the possession of or issued by the Department of Employment Security or the Department of Labor shall be deemed references to the Department of Labor and Workforce Development and any actions thereon may be brought or maintained in the name of the Department of Labor and Workforce Development as the successor in interest and shall receive the same force and effect as if brought the name of the predecessor department.

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(e) The transfer of the functions and activities of the Department of Labor and/or the Department of Employment Security to the Department of Labor and Workforce Development shall not, because of the transfer, result in any impairment, interruption, or diminution of the regulatory rights and privileges of the Department of Employment Security or the Department of Labor.

SECTION 11. Funds.

(a) Upon the effective date of this act, the Department of Labor and Workforce Development, through its commissioner, shall have the authority to receive, administer, allocate, disburse and supervise any grants and funds from whatever sources, including, but not limited to, the federal, state, county and municipal governments on a state, regional, county or any other basis, with respect to any programs and/or responsibilities outlined in this act or assigned to the department by law, regulation or order. Exercise of this authority shall not be inconsistent with laws or regulations governing the appropriation and disbursement of funds for the administration of employment security law under Title 50, Chapter 7 or the Department of Finance and Administration.

(b) All funds received by the Department of Labor and Workforce Development for the purpose or administration of the State Unemployment Insurance Program, the State Employment Service, Workers' Compensation and the Occupational Safety and Health Act of 1972 shall have their separate identities maintained and shall be expended only for the intended purpose.

SECTION 12. Rules.

The Department of Labor and Workforce Development, through its commissioner, shall have the authority, consistent with the statutes and regulations pertaining to the programs and functions transferred herein, to modify or rescind orders, rules and regulations, decisions or policies heretofore issued and to adopt, issue or promulgate new orders, rules and regulations, decisions or policies as may be necessary for the administration of the programs or functions herein transferred.

SECTION 13. Nondiscrimination.

In compliance with all federal and state laws and constitutional provisions prohibiting discrimination, including but not limited to, Title VI of the Civil Rights Act of 1964, no person, on the grounds of race, color, national origin, age or sex shall be excluded from participation, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity operated by the Department of Labor and Workforce Development. This shall include, but not be limited to, contracts for services, employment or services to the department's customers.

SECTION 14.

The Commissioner of the Department of Labor and Workforce Development shall make a progress report to the Governor, the Senate Commerce Committee and the House Consumer and Employee Affairs Committee prior to the implementation date of the provisions of this act.

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SECTION 15. (a) Tennessee Code Annotated, Title 4, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 4, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 16. Tennessee Code Annotated, Section 4-3-101, is amended by deleting subsection (8) and subsection (15) in their entirety and by adding the following language as a new appropriately numbered subsection:

() Department of Labor and Workforce Development

SECTION 17. Tennessee Code Annotated, Section 4-3-104, is amended by adding the following language as subsection (w) and subsection (x):

(w) References to the Department of Labor shall be deemed references to the Department of Labor and Workforce Development.

(x) References to the Department of Employment Security shall be deemed references to the Department of Labor and Workforce Development.

SECTION 18. Tennessee Code Annotated, Section 4-3-111, is amended by deleting subsection (8) and subsection (15) in their entirety and by adding the following language as a new appropriately numbered subsection:

() Commissioner of Labor and Workforce Development for the Department of Labor and Workforce Development

SECTION 19. Tennessee Code Annotated, Section 4-3-901, Section 4-3-902 and Section 4-3-903 are amended by deleting the sections in their entirety.

SECTION 20. Tennessee Code Annotated, Section 4-3-904, is amended by inserting the language "United States" between "the" and "department" and deleting the language "Employment Security" and substituting instead "Labor and Workforce Development".

SECTION 21. Tennessee Code Annotated, Section 4-3-905, is amended by deleting the language "Department of Employment Security" and by substituting instead "Department of Labor and Workforce Development".

SECTION 22. Tennessee Code Annotated, Section 4-3-1401 and Section 4-3-1402 are amended by deleting the sections in their entirety.

SECTION 23. Tennessee Code Annotated, Section 4-3-1403, is amended by deleting subsection (1) in its entirety and further by deleting the language "Department of Labor" and substituting instead "Department of Labor and Workforce Development".

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SECTION 24. Tennessee Code Annotated, Section 4-3-1404, is amended by deleting the language "Commissioner of Labor" and by substituting instead "Commissioner of Labor and Workforce Development".

SECTION 25. Tennessee Code Annotated, Section 4-3-113, is amended by adding the following language as newly designated subsection (v) and subsection (w):

(v) References to the Department of Employment Security shall be deemed references to the Department of Labor and Workforce Development

(w) References to the Department of Labor shall be deemed references to the Department of Labor and Workforce Development

SECTION 26. Tennessee Code Annotated, Section 4-5-106(e), is amended by deleting the following language "Employment Security or to the Board of Review under §50-7-601" and substituting instead the following language, "Administration of the Employment Security Law under Title 50, Chapter 7".

SECTION 27. (a) Tennessee Code Annotated, Section 4-5-319, is amended by deleting the following language "Department of Employment Security" and substituting instead the following language "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Section 4-5-319, is amended by deleting the language "§50-7-601" and substituting instead the following language "Title 50, Chapter 7".

SECTION 28. Tennessee Code Annotated, Section 4-29-222(a), is amended by deleting subsection (13) in its entirety.

SECTION 29. (a) Tennessee Code Annotated, Section 4-29-225(a), is amended by deleting items (4) and (9) in their entirety.

(b) Tennessee Code Annotated, Section 4-29-222(a), is amended by adding a new item thereto, as follows:

() Department of Labor and Workforce Development, created by Section 4 of this act;

SECTION 30. Tennessee Code Annotated, Section 4-32-101(a), is amended by inserting "and workforce development" after the word "labor".

SECTION 31. Tennessee Code Annotated, Section 4-32-103(a)(5), is amended by inserting "and workforce development" between "labor" and "staff".

SECTION 32. (a) Tennessee Code Annotated, Title 8, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 8, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

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SECTION 33. (a) Tennessee Code Annotated, Title 12, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 12, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 34. (a) The amendatory language of subsection (c) of this section notwithstanding, Tennessee Code Annotated, Title 13, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 13, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

(c) Tennessee Code Annotated, Section 13-28-103 (4) (A), is specifically amended by deleting the language "employment security" and substituting instead "labor and workforce development under Title 50, Chapter 7".

SECTION 35. (a) Tennessee Code Annotated, Title 29, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 29, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 36. (a) Tennessee Code Annotated, Title 36, is amended by deleting the words "Department of Labor" and "department of employment security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 36, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 37. (a) Tennessee Code Annotated, Title 37, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 37, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 38. (a) Tennessee Code Annotated, Title 38, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

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(b) Tennessee Code Annotated, Title 38, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 39. (a) Tennessee Code Annotated, Title 41, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 41, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 40. (a) Tennessee Code Annotated, Title 49, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 49, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 41. (a) Except for Title 50, Chapters 3, 6 and 7, and other specific changes required by this section, Tennessee Code Annotated, Title 50, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 50, is amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

(c) Tennessee Code Annotated, Section 50-1-103, is specifically amended by inserting the language "United States" between the word "the" and the word "department" everywhere it appears.

(d) Tennessee Code Annotated, Section 50-1-104, is specifically amended by deleting the words and punctuation "employment security,".

(e) Tennessee Code Annotated, Section 50-1-602(a), is specifically amended by inserting "and workforce development" between the word "labor" and the words "and informing".

(f) Tennessee Code Annotated, Section 50-1-602(c), is specifically amended by deleting the language "employment security,".

(g) Tennessee Code Annotated, Title 50, Chapter 6, is further amended by deleting the word "director" where it appears and it is apparent from the context that such term refers to the Director of the Division of Workers' Compensation, and by substituting instead the word "administrator". Appropriate changes shall also be made when such word appears in the possessive form. Where the term refers to "medical director" as provided in § 50-6-126 and elsewhere, such term shall not be changed.

(h) Tennessee Code Annotated, Title 50, Chapter 3, is further amended as follows:

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(1) §§ 50-3-408 and 50-3-2015(d)(2) and (3), are amended by deleting the words "Department of Labor" wherever they appear and by substituting instead the words "Division of Occupational, Safety and Health";

(2) §§ 50-3-805, 50-3-919(a), 50-3-2015(d) and 50-3-2014(h), are amended by deleting the words "Department of Labor" and by substituting instead the words "Department of Labor and Workforce Development"; and

(3) §50-3-903 is amended by deleting the words "Division Director" and by substituting instead the language "Division Administrator".

(i) Tennessee Code Annotated, Title 50, Chapter 6, is further amended as follows:

(1) §§ 50-6-119, 50-6-131, 50-6-201, 50-6-228, 50-6-233(a)(5), 50-6-238(b), 50-6-239(c)(1), 50-6-415(b) and 50-6-504(e), are amended by deleting the words "Department of Labor" and by substituting instead the words "Division of Workers' Compensation";

(2) §§ 50-6-203(b) and 50-6-415(b) are further amended by deleting the word "department" and by substituting instead the word "division";

(3) §§ 50-6-129, 50-6-244(a), and 50-6-501(c)(1) are amended by deleting the words "Department of Labor" and by substituting instead the words "Department of Labor and Workforce Development".

(4) Wherever the language "Division of Workers' Compensation of the Department of Labor", "Division of Workers' Compensation, Department of Labor", "Workers' Compensation Division of the Department", "Department of Labor, Workers' Compensation Division" or similar references appear in sequence in Chapter 6, such references to the "Department of Labor" or "department" in this context shall be changed to the "Department of Labor and Workforce Development".

(j) Tennessee Code Annotated, Title 50, Chapter 7, is further amended as follows:

(1) §§ 50-7-304(d), 50-7-502(b), and 50-7-605(b) are amended by deleting the words "Department of Employment Security" and by substituting instead the words "Department of Labor and Workforce Development"; and

(2) §§ 50-7-403(h)(2)(C), 50-7-406, 50-7-506(a), 50-7-610 and 50-7-707 are amended by deleting the language "Department of Employment Security" and by substituting instead the language "Division of Employment Security".

(k) Tennessee Code Annotated, Section 50-3-103, is amended by deleting subdivision (2) in its entirety and by substituting instead the following language, to be appropriately designated:

() "Administrator" means the Chief Administrative Officer of the Division of Occupational Safety and Health of the Department of labor and Workforce Development. For the purposes of all sections of this chapter other than §§ 50-3-902 and 50-3-903, it

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includes any person appointed, designated or deputized to perform the duties or to exercise the powers assigned to the Administrator of the Division of Occupational Safety and Health under this chapter.

() "Commissioner" or "Commissioner of Labor and Workforce Development" means the Chief Executive Officer of the Tennessee Department of Labor and Workforce Development. For the purposes of all sections of this chapter other than §§ 50-3-902 and 50-3-903, it includes any person appointed, designated or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development under this chapter, but does not include the person appointed as administrator;

() "Department" means the Department of Labor and Workforce Development;

() "Division" or "Division of Occupational Safety and Health" means the Division of Occupational Safety and Health of the Department of Labor and Workforce Development;

(l) Tennessee Code Annotated, Section 50-6-102, is amended by deleting subdivisions (12), (13) and (14) in their entirety and by substituting instead the following language to be appropriately designated:

() "Administrator" means the Chief Administrative Officer of the Division of Workers' Compensation of the Department of Labor and Workforce Development;

() "Commissioner" means the Commissioner of Labor and Workforce Development;

() "Department" means the Department of Labor and Workforce Development;

() "Division" or "Division of Workers' Compensation" means the Division of Workers' Compensation of the Department of Labor and Workforce Development;

(m) Tennessee Code Annotated, Section 50-7-203, is amended by deleting the section in its entirety and by substituting instead the following language:

"Commissioner" means the Commissioner of Labor and Workforce Development.

Tennessee Code Annotated, Title 50, Chapter 7, Part 2, is amended by adding the following language as new, appropriately designated sections:

Section _____. "Administrator" means the Chief Administrative Officer of the Division of Employment Security of the Department of Labor and Workforce Development.

Section _____. "Department" means the Department of Labor and Workforce Development.

(n) Tennessee Code Annotated, Section 50-7-601(a), is amended by deleting the subsection in its entirety, and by substituting instead the following language:

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(a) (1) There is created and established in the Division of Employment Security a coordinate bureau to be designated as the unemployment compensation bureau. The bureau shall be a separate administrative unit with respect to personnel and budget, except insofar as the commissioner may find that such separation is impracticable. The bureau of unemployment compensation shall exercise all the powers, perform all the duties, and be subject to all the limitations prescribed in this chapter, except those pertaining to overall administration of the division vested in the administrator or except those pertaining to the overall supervision of the department vested in the commissioner and those provided herein for the Division of the Tennessee State Employment Service.

(2) There is also created within the Department of Labor and Workforce Development the Division of Tennessee State Employment Service, the latter being more fully described in §50-7-608. Such division shall be a separate administrative entity with respect to personnel and budget, except insofar as the commissioner may find that such separation is impracticable. Such division shall be subject to the supervision and control of the commissioner within the provisions of this chapter.

(o) Tennessee Code Annotated, Section 50-7-608, is amended by:

(1) deleting subsection (a)(1) in its entirety; and

(2) inserting the language "for the Tennessee State Employment Service" in subsection (a)(2) between the word "offices" and the words "in such number".

(p) Tennessee Code Annotated, Section 50-7-609(a), is amended by deleting the language "Commissioner of Employment Security", and by substituting instead the language "Commissioner of Labor and Workforce Development; by deleting the language "Department of Employment Security", and by substituting instead the language "Division of Employment Security"; by deleting the word "department", and by substituting instead the word "division"; and by deleting the language "unemployment compensation division of such department" and by substituting instead the language "unemployment compensation bureau of such division".

(q) (1) Tennessee Code Annotated, Section 50-7-404(b)(2), is specifically amended by adding the following language as a new appropriately designated subitem:

() Any lien of record in favor of the Tennessee Department of Employment Security shall inure to the Tennessee Department of Labor and Workforce Development as a successor in interest to the Tennessee Department of Employment Security by virtue of the "Tennessee Workforce Development Act of 1999".

(2) Tennessee Code Annotated, Section 50-7-502(b), is specifically amended by deleting the subsection in its entirety, and by substituting instead the following language:

(b) All moneys received from the United States Secretary of Labor or such Secretary's successors for the administration of this chapter, shall be expended solely for the purposes and in the amounts found necessary by the United States Secretary of Labor or such Secretary's successors, for the proper and efficient administration of this chapter.

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(3) Tennessee Code Annotated, Section 50-7-502(c), is specifically amended by inserting the words "United States" immediately preceding the language "Secretary of Labor" wherever they appear.

(4) Tennessee Code Annotated, Section 50-7-503(a)(4)(C), is specifically amended by deleting the words "of the department" and substituting instead the words "for the Administration of the Employment Security Law".

(5) Tennessee Code Annotated, Section 50-7-606(a), is specifically amended by inserting the words "unemployment compensation" between the words "state" and "advisory" and by deleting the words "and may appoint local or industry advisory councils" as well as deleting the words "in each case".

(6) Tennessee Code Annotated, Section 50-7-701(b), is specifically amended by deleting the words "official record of the department", and by substituting instead the language "official record of the division maintained pursuant to this chapter".

(7) Tennessee Code Annotated, Section 50-7-705(a), is specifically amended by inserting the language "United States" between the words "the" and "Department of Labor".

(r) The Tennessee Code Commission is requested to make appropriate changes as supplements are issued and volumes of the code are replaced.

SECTION 42. (a) Tennessee Code Annotated, Title 56, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 56, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 43. (a) Tennessee Code Annotated, Title 59, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 59, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 44. (a) Tennessee Code Annotated, Title 62, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 62, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 45. (a) Tennessee Code Annotated, Title 67, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

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(b) Tennessee Code Annotated, Title 67, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 46. (a) Tennessee Code Annotated, Title 68, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 68, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

SECTION 47. (a) Tennessee Code Annotated, Title 71, is amended by deleting the words "Department of Labor" and "Department of Employment Security" wherever they appear and by substituting instead the words "Department of Labor and Workforce Development".

(b) Tennessee Code Annotated, Title 71, is further amended by deleting the words "Commissioner of Labor" and "Commissioner of Employment Security" wherever they appear and by substituting instead the words "Commissioner of Labor and Workforce Development".

(c) Tennessee Code Annotated, Section 71-5-304, is specifically amended by inserting the words and punctuation "Except for the responsibilities of the Department of Labor and Workforce Development regarding employment and employment training programs authorized under 7 U.S.C. 2015 of the Food Stamp Act of 1977," at the beginning of subsection (1).

SECTION 48. Any provision of this act, or the application thereof, which is inconsistent with federal law, rule or regulation shall be deemed to be construed as being consistent with federal law, rule, or regulation.

SECTION 49. If any provision of this act, or the application thereof, to any person, entity, or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 50. Section 1 of the printed bill is amended by deleting the language "through 13", and by substituting instead the language "through 14".

SECTION 51. Tennessee Code Annotated, Section 50-7-606, is amended by adding the following language as a new, appropriately designated subsection:

() In addition to any other meetings the State Advisory Council may have with the commissioner for those purposes included in subsection (b), the State Advisory Council shall meet at least twice a year with the administrator. At such meetings the administrator shall advise the council on the status of all operations of the division and the programs administered within the division. Members of the advisory council shall not be reimbursed for necessary expenses in attending such meetings.

SECTION 52. Tennessee Code Annotated, Section 50-3-919, is amended by adding the following language as a new, appropriately designated subsection:

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() In addition to any other meetings the Labor Advisory Council may have for the purposes included in subsection (a), the Labor Advisory Council shall meet at least twice a year with the administrator. At such meetings the administrator shall advise the council on the status of all operations of the division and the programs administered within the division. Members of the advisory council shall not be reimbursed for necessary expenses in attending such meetings.

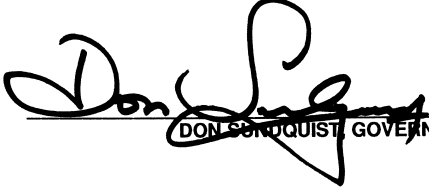
SECTION 53. This act shall take effect on becoming law and the provisions thereof shall be fully implemented no later than January 1, 2000, the public welfare requiring it.

PASSED: May 27, 1999


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 1999


DON SUNDQUIST, GOVERNOR